

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
WESTERN DIVISION**

CODY RYAN KIZZIAH, )  
                          )  
                          )  
Movant/Defendant, )  
                          )  
                          )  
v.                     ) 7:13-cv-8042-VEH-JEO  
                          ) (7:12-cr-0021-VEH-JEO)  
                          )  
UNITED STATES OF AMERICA, )  
                          )  
                          )  
Respondent             )

**MEMORANDUM OPINION**

Defendant Cody Ryan Kizziah (“Defendant”) has filed a *pro se* motion to vacate his federal sentence pursuant to 28 U.S.C. § 2255. (Doc.<sup>1</sup> 1). On December 10, 2013, the magistrate judge to whom the case was referred for preliminary review entered a report pursuant to 28 U.S.C. § 636(b) recommending that Defendant’s § 2255 motion be denied as time barred, or, alternatively, on the ground that his claims are without merit. (Doc. 5). No objections have been filed to the magistrate judge’s report and recommendation.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the magistrate judge’s findings and recommendation, the court is of the opinion that the magistrate judge’s report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. Accordingly, Defendant’s § 2255 motion is due to be DENIED. A separate final order will be entered.

---

<sup>1</sup>References herein to “Doc(s). \_\_” are to the document numbers assigned by the Clerk of the Court to the pleadings, motions, and other materials in the court file in the § 2255 “civil” case, 7:13-cv-8042-VEH-JEO, as reflected on the docket sheet in the court’s Case Management/Electronic Case Files system (“CM/ECF”).

**DONE**, this the 7th day of January, 2014.



**VIRGINIA EMERSON HOPKINS**

United States District Judge